



ESTTA Tracking number: **ESTTA615525**

Filing date: **07/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201555
Party	Defendant Able Planet, Incorporated
Correspondence Address	RAYMOND A KURZ HOGAN LOVELLS US LLP 555 13TH STREET NW WASHINGTON, DC 20004 UNITED STATES anna.shaw@hoganlovells.com, DCTrademark@hoganlovells.com, DCPTO-Trademarkmail@hoganlovells.com
Submission	Motion to Extend
Filer's Name	Anna Kurian Shaw
Filer's e-mail	anna.shaw@hoganlovells.com, DCTrade-mark@hoganlovells.com, DCDocketing@hoganlovells.com
Signature	/AKS/
Date	07/14/2014
Attachments	Motion to Extend Deadlines.pdf(11748 bytes)

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

XTREME COUTURE, INC.	*	Opposition No.:	91,201,555
Opposer,	*	Application Serial Nos.:	85/110811
	*		85/114059
	*		85/122748
v.	*	Marks:	
ABLE PLANET, INC.	*		
	*		EXTREME
	*		
Applicant.	*		
	*		

MOTION TO EXTEND DEADLINES

Pursuant to Federal Rule of Civil Procedure 6(b), Code of Federal Regulations Title 37 Section 2.116(a), and Trademark Trial and Appeal Board Manual of Procedure Section 509, Applicant Able Planet hereby moves this Board to extend all pending deadlines by thirty (30) days.

This thirty-day extension is respectfully requested of the Board due to the fact that, although the parties have reached full agreement on a settlement in this case, Opposer's signature remains outstanding and Opposer's counsel is out of the office and cannot be reached.

Specifically, the parties came into agreement as to all terms of a settlement on Tuesday, July 8, 2014 when Applicant accepted Opposer's remaining terms and signed the agreement. When Applicant, through counsel, attempted to contact Opposer for Opposer's countersignature, Applicant learned Opposer's counsel had left for vacation the previous day and would be

unreachable until her return no sooner than July 21, 2014. Applicant's attempts to reach opposing counsel independently and through opposing counsel's colleagues have failed. Applicant has further learned that Opposer's counsel of record is the sole attorney handling this matter for Opposer and that there is no one else able to contact Opposer in this matter on behalf of opposing counsel.

Because the parties have an agreement based on offer and acceptance, the terms of which have been reduced to writing, and because Opposer's signature thereon remains outstanding yet Applicant has no way to contact Opposer in opposing counsel's absence, additional time is required to procure Opposer's outstanding signature thereon in light of opposing counsel's absence, providing good cause for this unconsented motion to extend.

Upon grant of this motion, the new deadlines in this matter would be as follows:

Due Date for an Answer	08/13/2014
Discovery Opens	09/12/2014
Deadline for Discovery Conference	09/12/2014
Initial Disclosures Due	10/12/2014
Expert Disclosures Due	02/09/2014
Discovery Closes	03/11/2015
Plaintiff's Pretrial Disclosures	04/25/2015
Plaintiff's 30-day Trial Period Ends	06/09/2015
Defendant's Pretrial Disclosures	06/24/2015
Defendant's 30-day Trial Period Ends	08/08/2015
Plaintiff's Rebuttal Disclosures	08/23/2015

Plaintiff's 15-day Rebuttal Period Ends 09/22/2015

Respectfully submitted

/AKS/

Anna Kurian Shaw
Andrea P. Hamilton
555 13th Street NW
Hogan Lovells US LLP
Washington D.C. 20004
Tel: (202) 637-5600
Fax: (202) 637-5910

Attorneys for Applicant

Dated: July 14, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2014, a complete and accurate copy of the foregoing was served by electronic mail with a complimentary copy sent via first-class mail, postage pre-paid, addressed to the following counsel of record for Applicant:

Jan Kaufman
JK Legal Services
462 STEVENS AVENUE, SUITE 310
SOLANA BEACH, CA 92075
UNITED STATES
jank@jklegalservices.com

/AKS/

Anna Kurian Shaw
Andrea P. Hamilton
555 13th Street NW
Hogan Lovells US LLP
Washington D.C. 20004
Tel: (202) 637-5600
Fax: (202) 637-5910

Attorneys for Opposer